

AMENDED IN SENATE APRIL 26, 2005

AMENDED IN SENATE MARCH 30, 2005

AMENDED IN SENATE MARCH 9, 2005

SENATE BILL

No. 11

**Introduced by Senator Bowen
(Coauthor: Senator Romero)**

December 6, 2004

An act to add Sections 12154 and 85303.5 to the Government Code, relating to elective office.

LEGISLATIVE COUNSEL'S DIGEST

SB 11, as amended, Bowen. Contributions: voting equipment manufacturers or vendors.

Existing law prohibits a state officer or employee from engaging in activities that are inconsistent, incompatible, or in conflict with, or inimical to, his or her duties as a state officer or employee, and places other specified restrictions on the political activities of public employees.

This bill would prohibit the Secretary of State, or a candidate for Secretary of State, from serving as an officer of any political party or partisan organization, or supporting or opposing any candidate for public office or any ballot measure. It would state that this prohibition shall not be construed to prohibit an individual from seeking election or reelection to the office of the Secretary of State, or to prohibit the Secretary of State from seeking election to any other public office.

The Political Reform Act of 1974 places certain restrictions on the amount of campaign contributions that specified individuals or groups may make to candidates for elective office, and that the candidates for elective office may accept from those individuals or groups.

This bill would additionally prohibit a manufacturer or vendor of voting equipment or systems, or his or her agent, from making to a candidate for elective state ~~or local~~ office *or for election as a county supervisor, city council member, mayor, or elections official*, and a candidate for elective state ~~or local~~ office *or for election as a county supervisor, city council member, mayor, or elections official* from accepting from a manufacturer or vendor of voting equipment or systems, or his or her agent, any contribution.

Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would impose a state-mandated local program by imposing these penalties on persons who violate these contribution prohibitions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a ~~2/3~~^{2/3} vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the Political Reform Act of 1974, would therefore require a ~~2/3~~^{2/3} vote.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12154 is added to the Government
2 Code, to read:
3 12154. Notwithstanding Section 3208, the Secretary of State,
4 or a candidate for the office of Secretary of State, shall not serve
5 as an officer of any political party or partisan organization, and
6 shall not support or oppose any candidate for public office or any
7 ballot measure. However, this prohibition shall not be construed
8 to prohibit an individual from seeking election or reelection to
9 the office of the Secretary of State, or to prohibit the Secretary of
10 State from seeking election to any other public office.

1 SEC. 2. Section 85303.5 is added to the Government Code, to
2 read:

3 85303.5. No manufacturer or vendor of voting equipment or
4 systems, or his or her agent, shall make to a candidate for
5 elective state~~—or local~~ office *or for election as a county*
6 *supervisor, city council member, mayor, or elections official*, and
7 no candidate for elective state~~—or local~~ office *or for election as a*
8 *county supervisor, city council member, mayor, or elections*
9 *official* shall accept from a manufacturer or vendor of voting
10 equipment or systems, or his or her agent, any contribution.

11 SEC. 3. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the
16 penalty for a crime or infraction, within the meaning of Section
17 17556 of the Government Code, or changes the definition of a
18 crime within the meaning of Section 6 of Article XIII B of the
19 California Constitution.

20 SEC. 4. The Legislature finds and declares that the provisions
21 of this act further the purposes of the Political Reform Act of
22 1974 within the meaning of subdivision (a) of Section 81012 of
23 the Government Code.